

2. Mediation in this case was held on Friday, August 20, 2010 by Gale R. Peterson of Cox Smith.
3. Counsel for the Plaintiff certifies that his clients have been informed of the ADR procedures available in this district.
4. At this time, Plaintiff does not believe that further mediation or ADR will be productive.

Respectfully Submitted,

By: /s/ Stephen A. Kennedy
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CERTIFICATE OF SERVICE

On October 22, 2010, I served the foregoing document via United States mail on all counsel of record.

/s/ Stephen A. Kennedy
Stephen A. Kennedy